

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:05cr213

UNITED STATES OF AMERICA

vs.

RANDOLPH HARRIS AUSTIN

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ORDER

**THIS MATTER** is before the Court upon motion of the defendant filed on August 9, 2006, to suppress his statements made during and following his arrest on August 4, 2004. (Doc. No. 112).

Before a defendant is entitled to a hearing on the voluntariness of his confession, he must “show that his version of the events, if true, would require the conclusion that his confession was involuntary.” United States v. Espinoza-Seanez, 862 F.2d 526, 536 (5th Cir. 1989) (cited in United States v. Smith, 927 F.2d 598, 1991 WL 29043, at \*3 (4th Cir. 1991) (unpublished decision) (hearing not required where defense counsel submitted a “bare bones” suppression unsupported by any factual allegations or case law). Here, as in Smith, the defendant’s motion to suppress is devoid of any factual allegations or case law. Therefore, no hearing is required.

**IT IS, THEREFORE, ORDERED** that the defendant’s motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, and to the United States Attorney.

Signed: August 10, 2006



Robert J. Conrad, Jr.  
Chief United States District Judge

